

ORDINANCE NO. 635

AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE TOWN OF
EASTON ZONING ORDINANCE

INTRODUCED BY _____

WHEREAS, the Town of Easton is authorized by Maryland Annotated Code Article 66B §4.01 *et seq.* to enact and administer a zoning ordinance, which ordinance is Chapter 28 of the Easton Town Code; and

WHEREAS, the Town of Easton is authorized by Maryland Annotated Code Article 66B §§4.04 and 4.05 to amend, supplement, modify or repeal sections of the zoning ordinance; and

WHEREAS, the Town of Easton received grant funding to be one of several communities to have their Critical Area Regulations brought up to date by incorporating recent changes to State Critical Area law; and

WHEREAS, the Easton Planning and Zoning Commission considered the matter at its November 21, 2013 meeting and has recommended that the Town Council approve the amendments outlined in this Ordinance.

NOW, THEREFORE, the Town of Easton hereby ordains that the sections of the Town of Easton Zoning Ordinance set forth below be amended or added as hereinafter provided):

- (1) Revise Article VI, Section 601 C to add the possibility for Planning Commission Approval of Mobile Food Uses on a permanent basis as an extension of an existing business in the Planned Redevelopment Overlay District by adding the following language:**

C. APPLICATION PROCEDURE

Applications for PR projects shall be reviewed in accordance with the following procedures, depending upon the type of project.

(1) Applications that represent new infill development shall proceed in accordance with the requirements of Section 301 of this Ordinance. Where the underlying zoning district is residential (any “R” district) the new infill development must be a use otherwise permitted in said underlying district. Where the underlying zoning district is non-residential, any use may be proposed and the Planning Commission may approve the application based on the site plan review findings and standards of Section 301. No use indicated as “prohibited” in all zoning districts shall be permitted in the PR Overlay.

(2) Applications for the adaptive reuse of existing buildings shall be reviewed as follows:

a. Requests to change to a permitted use (in the underlying zoning district) that requires less parking than the previous use shall be approved with no review beyond that required for a building permit (if any).

b. Requests to change to a permitted use (in the underlying zoning district) that requires more parking than the previous use shall be reviewed in accordance with the Site Plan Review standards as outlined in Section 301 of this Ordinance.

c. Requests to change to a use that is not permitted in the underlying zoning district may be reviewed in accordance with the standards for Site Plan Review (Section 301).

d. Regardless of subsections a through c above, in any residential (“R”) zoning district, only uses that are permitted in the underlying zoning district may be proposed for the adaptive reuse project.

(3) Applications for renovations, alterations or additions to existing improved lots which violate the prescribed setback of the underlying zoning district, but are no closer to the property line than the existing structure shall be reviewed by the Town Planner. The application shall furnish the Town Planner with a site plan with enough information to permit an adequate review of the request. If approved by the Town Planner, nothing more than a building permit shall be required for such requests. Nothing in this provision, however shall permit construction in violation of the Town’s Building Code without a Variance from said Code.

Applications for renovations, alterations or additions to existing improved lots which both violate the prescribed setbacks of the underlying zoning district and are closer to the property line than the existing structure(s) shall be reviewed by the process prescribed above for new infill development (i.e. the Site Plan Review Standards of this Ordinance as prescribed in Section 301).

(4) Requests to demolish and redevelop properties shall be reviewed in accordance with the Site Plan Review standards as outlined in Section 301 of this Ordinance.

(5) Requests to operate a Mobile Food Use on a longer-term basis than otherwise permitted (i.e., as a Temporary Use) may be considered and approved by the Planning Commission. Such requests shall only be permitted if the proposed use (i) is owned,

operated or controlled by the entity that is entitled to the otherwise lawfully permitted use of the property where the mobile food use is located; and (ii) is operated as an expansion of or complement to a business operating an otherwise lawfully permitted use on said property. Any such request shall be made to the Planning Commission and include a site plan indicating the proposed location of the mobile food use, a picture or sketch which accurately depicts the appearance of the proposed structure, a statement indicating the expected impact of the proposed addition in terms of parking (including the expected additional demand and the existing and proposed supply), neighborhood impacts (e.g. traffic, noise, odor, lighting, etc.), and any other such information which the Town Planner reasonably determines would be necessary for the Planning Commission to reach an informed conclusion as to the merits and impacts of the proposed addition.

(6) Applications for properties that are presently or have most recently been used for any Institutional Use may either (1) continue to be used for said Institutional Use, (2) convert to any other permitted Institutional Use, or (3) be converted to any use permitted in the underlying zoning district.

(7) The Town may require the execution of a Public Works Agreement as a condition of approval of any PR project. If required, said Agreement shall outline the standards and responsibilities associated with the proposed project and shall be prepared in a format acceptable to the Town Attorney.

(2) Move the supplemental standard addressing parking lot orientation in major retail uses to the development standards of the Planned Unit Development Regulations so that it conceivably may be modified by the Town Council during PUD review. This shall be accomplished by deleting the following language from Section 1008.2 A (15) h and adding the same (with revision as shown in highlighted text) as new subsection Article VIII, Section 801 G (12):

(12) No more than 50% of the off-street parking area for the entire property **of a major retail or shopping center use**, shall be located between the front façade of the principal building(s) and the primary abutting street.

(3) Delete the supplemental standard for major retail that establishes the setback for this use and thereby allow it to be established by the Town Council on a case-by-case, project specific basis by deleting the following language from Section 1008.2 A (15):

i. _____ setbacks

i. _____
The minimum setback for any portion of a structure shall be 50 feet from the nearest property line. In addition, when residentially or agriculturally zoned property either abuts the parcel on which the structure is to be located or is separated from the parcel by a public or private road, the 50 foot setback shall be *increased* by an additional setback (the "Additional Setback") which shall be calculated according to the following formula: an additional 50 feet

~~plus 1 additional foot for each 1,000 square feet that the building exceeds 50,000 square feet in gross floor area. If either U.S. Rte.50 or MD Rte. 322 acts as an intervening public street between the parcel on which the building is to be located and the adjacent residentially or agriculturally zoned property, the width of that road's right of way shall be deducted from the Additional Setback otherwise required by this Section.~~

In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

Malone	-
Leshner	-
Wendowski	-
Cook	-
Ford	-

I hereby certify that the above Ordinance was passed by a ye and nay vote of the Council this _____ day of _____, 2014.

John F. Ford, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2014.

Kathy Ruf, Town Clerk

APPROVED:

Date: _____

Robert C. Willey, Mayor

EFFECTIVE DATE: _____, 2014.